

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN DOE, JOHN DOE, SR. and JANE
DOE,

Plaintiff,

vs.

FATHER ERIC ENSEY, FATHER
CARLOS URRUTIGOITY, DIOCESE OF
SCRANTON, BISHOP JAMES C. TIMLIN,
THE SOCIETY OF ST. JOHN, THE
PRIESTLY FRATERNITY OF ST. PETER
and ST. GREGORY'S ACADEMY,

Defendant.

Case No.: 3 CV 02-0444

Judge: Hon. John E. Jones

PLAINTIFFS' RESPONSE TO STATEMENT OF MATERIAL FACTS
SUBMITTED BY THE FRATERNITY OF ST. PETER AND ST. GREGORY'S
ACADEMY IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT

1. Concur.¹
2. Concur.
3. Concur.
4. Concur.
5. Concur.
6. Concur.
7. Concur.

¹ Use of the term 'concur' does not indicate that plaintiffs agree with all of the assertions but rather that they are not opposed for purposes of this motion.

8. Concur.
9. Concur.
10. Concur.
11. Concur.
12. Concur.
13. Concur.
14. Concur.
15. Concur.
16. Concur.
17. Concur.
18. Concur.
19. Concur.
20. Concur.
21. Concur.
22. Concur.
23. Concur.
24. Concur.

25 & 26. Denied. Bishop Dougherty's testimony is misleading. Actually, what happened is that, after being released from the 'vow,' Mr. Sellinger told Urrutigoity exactly what he thought of him:

I got out of it [the oath] and now I have no connection with you at all. I know what you did. I think you're a fag. I think that you need to go see a priest, confess your sins, and never be a spiritual director to another seminarian or anybody ever again, or a confessor. And you need help, from a priest first, and then maybe psychologically from a Catholic psychologist or something.....

.....I took the car back to Rockford, Illinois, got back and Father Fullerton and Chris Manuele were there and they were leaving to go to Armada, where my brother was graduating from a Catholic school and my parents would be there.

..... I got there, left with my parents and never seen or talked to Father U. again.

[Exhibit 'E' – Sellinger statement]

Bishop Dougherty decided that he could not determine whether Fr. Urrutigoity had molested the seminarian. It is inaccurate to state that Bishop Dougherty was “not able” to make this decision.

27. Concur.

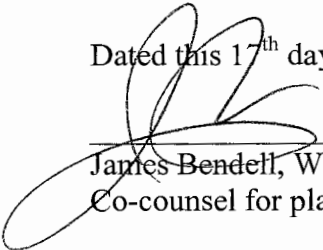
28. Denied. Again, it is an incorrect use of language to state the Review Board was “unable.” It is more precise to state that the Review Board did not arrive at a conclusion as to whether Fr. Urrutigoity molested the seminarian.


29. Bishop Timlin may have had other reasons why he chose not to discipline Fr. Urrutigoity, but plaintiffs do not oppose the statement that he failed to do so after receiving the results of the Review Board.

30. Concur. Of course, they never checked.

31. Concur.

Dated this 17th day of July, 2004.


James Bendell, WSBA # 20820
Co-counsel for plaintiffs

I certify that I caused a true copy of this pleading to be electronically mailed to Joseph Leeson, Joseph O'Brien and Sal Cognetti on  2004.


PLAINTIFFS' RESPONSE TO FRATERNITY OF ST. PETER'S
STATEMENT OF GENUINE ISSUES OF FACT - 3